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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,065	07/10/2003	Connie L. Chapman	55512	3796
27975 7590 05/16/2008 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
EXAMINER BLAIR, DOUGLAS B				
ART UNIT 2142		PAPER NUMBER		
NOTIFICATION DATE 05/16/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

10/617,065

Applicant(s)

CHAPMAN ET AL.

Examiner

DOUGLAS B. BLAIR

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Appeal Brief

In view of the Appeal Brief filed on 2/22/2008, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing at the conclusion of this letter.

Response to Arguments

Applicant's arguments against the double patenting rejection have been fully considered but they are not persuasive.

The appellant argues that (a) the claims are different in that the claims are directed towards different types of information and (b) that the claims of the parent application 09/596,629 have additional features that the claims of the current application do not have.

With respect to point (a), the type of form being transmitted is irrelevant to the claims and any arbitrary type of data arrangement for a form could be substituted for the currently claimed types of forms without changing the process of submitting a form over the internet for approval. The applicant never even discloses what a public information release form really is so the only conclusion that can be drawn is that the details of such a form are not important to the patentability of the claimed invention.

With respect to point (b), the Examiner acknowledges that the parent application 09/596,629 does have claimed steps that are not claimed as part of the current applications claims. The current application's claims are not patentably distinct from the parent application's claims because they feature no limitations that render them patentably distinct from the previous application. The claims in the current application are nothing more than broader versions of the same process claimed in the parent application. The appellant has not identified any features that would make the claims of the current application patentable over the parent application.

The applicant's remarks clarifying remarks regarding the specification objection are sufficient to overcome the current objection to the specification.

The applicant's remarks with respect to the prior art rejection have been considered carefully and are considered persuasive.

Double Patenting

Claims 1-3, 5-8, 12-15, 17-20, 24-27, 29-32 and 36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 6, 12-23, 17, 22, 25, 31-32, 36, 42-43, 47, 52, 55, 58, 61, 62 and 65 of copending Application

No. 09/596,629. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the current application are directed towards the same process of disseminating information as that claimed in the claims of 09/596,629. Though the applications claim different types of information, this distinction is irrelevant because the technical details of the invention are independent of the type of data transmitted and the particularly titled human sender and receivers of the data.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,553,407 to Ouchi in view of U.S. Patent Number 5,222,236 to Potash et al.

As to claim 1, Ouchi teaches a method for distributing a form over an intranet (col. 4, line 17), the method comprising: creating and submitting a form over the intranet (col. 6, line 26-col. 7, line 31), the form being submitted by an author to at least one approver via e-mail with a hyperlink to the form (col. 20, line 51-col. 21, line 8); and transmitting comments for the form by the at least one approver via e-mail (col. 6, line 26-col. 7, line 31); however Ouchi does not explicitly teach the form being a public information release form.

Potash teaches the concept of a public information release form (In Figure 19, the Employee Confidentiality Agreement and Invention Agreement reads on the applicant's broad concept of a public information release form).

Though Ouchi does not explicitly teach a public information authorization release form, it would be obvious to send such a form for approval because Ouchi teaches sending forms over a network. A public information release form is an arbitrary type of form and thus would be covered by the disclosure of Ouchi regarding forms broadly. The applicant never describes a public information release form in limiting detail so it is reasonable to interpret such an arbitrary term broadly and clearly the public information release authorization has no special features that make processing it any different from processing any other form, therefore the broad concept taught by Potash would have been obvious to combine with the processing taught by Ouchi to one of ordinary skill in the art at the time of the invention.

As to claim 2, Ouchi teaches a method according to Claim 1 wherein the intranet includes a plurality of users enrolled therein with each user having associated personnel information stored within the intranet, the method further comprising: selecting a first level of approvers from among the plurality of users for reviewing the PIRA form (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8); and transmitting a first notification message via e-mail to the first level of approvers, the first notification message having a hyperlink to the PIRA form (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claim 3, Ouchi teaches sending the form to an account manager or some other form of manager (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8) and a technical peer reviewer (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8). As with the PIRA

form, the claimed manager, program manager, and technical peer review are not disclosed as being any different than any other arbitrary approver and therefore it would be obvious to send a request for approval to any person with an arbitrary title.

As to claim 4, Ouchi teaches having the author select the first level of approvers (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claim 5, Ouchi teaches a method comprising creating a profile of the form in response to accessing associated personnel information of the author (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8); and wherein at least one of the first level of approvers is selected based upon the created profile (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claim 6, Ouchi teaches the first level of approvers reviewing the form concurrently (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claim 7, Ouchi teaches a method of selecting a second level of approvers from the plurality of users for reviewing the form and transmitting a second notification message via email to the second level of approvers, the second notification message having a hyperlink to the form (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claims 8 and 9, as discussed in the rejection of claim 3, it would have been obvious to send a request for approval to an arbitrary team member.

As to claim 10, Ouchi that the reviewer in the second level view the form sequentially (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claim 11, Ouchi teaches a method of stopping the approval process if one of the second level of approvers rejects the form (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claim 12, Ouchi teaches adding an attachment to a form (col. 6, line 26-col. 7, line 31 and col. 20, line 51-col. 21, line 8).

As to claims 13-24, they are directed towards and intranet implementing the method of claims 1-12 and are therefore obvious for reasons pointed out in the rejection of claims 1-12.

As to claims 25-36, they are directed towards a medium for implementing the method of claims 1-12 and are therefore obvious for the reasons pointed out in the rejection of claims 1-12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Patent Examiner, Art Unit 2142

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142